

V. REMARKS

Claims 1-7, 10, 11, 13 and 14 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over independent claims 1 and 9 and dependent claims 2-8 of U.S. Patent No. 6,831,270. The rejection is respectfully traversed.

Based upon Applicant's understanding of the Office Action, claims 1-7, 10, 11, 13 and 14 contain allowable subject matter and would be allowed upon overcoming in the nonstatutory double patenting rejection by filing a Terminal Disclaimer.

As indicated in the Office Action, a timely-filed Terminal Disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent issue is shown to be commonly owned with this application. The present application is owned by Shimadzu Corporation as reflected in the assignment records of the United States Patent and Trademark Office on reel 014678, frame 0619. As indicated on the cover page of U.S. Patent No. 6,831,270, the owner of this patent is also Shimadzu Corporation. Thus, there is common ownership.

A proper Terminal Disclaimer is filed herewith to overcome the rejection. As a result, claims 1-7, 10, 11, 13 and 14 are in condition for allowance.

Withdrawal of the rejection is respectfully requested.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as unpatentable over Futura et al. (U.S. Patent No. 6,831,270) in view of Caprioli (U.S. Patent No. 5,808,300). The rejection is respectfully traversed.

As indicated above, claim 1 is now in condition for allowance. Claims 8 and 9 depend from claim 1 and include all of the features of claim 1. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reasons claim 1 is allowable as well as for the features they recite.

Withdrawal of the rejection is respectfully requested.

Additionally, as indicated above, claim 10 is now in condition for allowance. Claim 12 depends from claim 10 and includes all of the features of claim 10.

Thus, it is respectfully submitted that claim 12 is allowable at least for the reasons claim 10 is allowable as well as for the features it recites.

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

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Enclosure(s): Amendment Transmittal
 Terminal Disclaimer